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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, KIM T

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/689,841

Applicant(s)

LAVOIE ET AL.

Examiner

Kim Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-21, 23-30, 33 and 34 is/are rejected.
- 7) ☒ Claim(s) 1-7, 22, 31-32, and 35-36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Examiner acknowledges receipt of the RCE filed with the amendment on 11/19/04.

According to the amendment, claims 1-36 are pending in the application.

#### *Claim Objections*

1. Claims 1, 8, 10-12, 17-18, 22-23, 26-31, 33-36 are objected to because of the following informalities:

a) In claim 1, line 4; claim 8, line 4; claim 28, line 8; claim 29, line 10; claim 30, line 5; claim 31, line 5; claim 33, line 5; claim 34, line 5; claim 35, line 4; and claim 36, line 4, the claimed limitation “the results” should be corrected to “results”.

b) In claim 1, lines 4, 7, 9-10, 13; claim 8, line 4, 7, 9, 11; claim 10, lines 5, 8, 11, 13, 15, 17; claim 17, lines 2-3; claim 22, lines 6, 10, 13, 15, 17, 19; claim 23, lines 6, 9, 11-12, 15-16, 19, 21; claim 26, lines 8, 10, 13, 16-17, 19, 21, 23, 25; claim 27, lines 5-7, 9-10; claim 28, lines 5, 8-9, 11, 13, 15; claim 29, lines 7, 1-11, 13, 15, 17, 19; claim 30, lines 5, 8-9, 12; claim 31, lines 6, 8-9, 12, 14; claim 33, lines 5-6, 8-9, 12, 14; claim 34, lines 6, 8-9, 12; claim 35, lines 4, 7, 9, 11, 13; and claim 36, lines 4, 7, 9, 11, the claimed limitation “game play” should be corrected to “the game play”.

c) In claim 10, line 8; claim 22, line 10, the claimed limitation “the result” should be corrected to “a result”.

d) In claim 11, line 2; claim 12, lines 3-4, the claimed limitation “at least one wager” should be corrected to “the at least one wager”.

- e) In claim 12, line 3, the claimed limitation “the option” should be corrected to “an option”.
- f) In claim 12, line 7, the claimed limitation “information” should be corrected to “the information”.
- g) In claim 17, line 2; claim 18, lines 2-3, the claimed limitation “first client terminal” should be corrected to “second client terminal”.
- h) In claim 23, line 3; claim 26, lines 4, 7, the claimed limitation “a patron” should be corrected to “the patron”.
- i) In claim 28, line 6; claim 29, line 8, the claimed limitation “the account balance” should be corrected to “an account balance”.
- j) In claim 33, line 13; claim 34, lines 11-12, the claimed limitation “a client terminal” should be corrected to “the client terminal”.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 10-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a) Claim 10, line 14, recites the limitation "the second client terminal". There is insufficient antecedent basis for this limitation in the claim.
- b) Claims 11-21 are rejected as being dependent on the rejected base claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8-9, 23-30, and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneier et al (US 5,871,398).
- a. As per claim 8-9, Schneier discloses receiving from a first client terminal an agent terminal (AT) or a handheld ticket viewer (HTV) at which a player will make a purchase request for at least one wager from a central management computer (CMC) (col. 5, lines 56-67 and col. 6, lines 1-7) where the results will be determined and stored in the CMC before game play (col. 9, lines 35-39; col. 9, line 57, through col.10, line 4). Schneier further supports that purchase requests to generate outcome/results and transmission of results to a first client terminal all take place before game play (col. 17, line10, through col. 18, line 33; and col. 23, lines 22-24). Schneier also teaches a player can play a game at different times (col. 11, lines 45-50), a player account is debited based on a purchase request or prize winning where it would be inherent that debiting occurs by subtracting purchase amount from an account balance (col. 19, lines 1-21 and

col. 20, lines 40-52), determining an outcome of the purchased wager on the CMC (col. 15, lines 59-67), the outcomes are stored in a database in the CMC(col. 7, lines 39-41). Schneier also discloses that a managing authority can track player related information and store it in a player database (col. 11, lines 51-56). Schneier does not explicitly disclose adjusting an account of the player based on the results of the wagers. However, Schneier discloses updating the account based on the prize winnings and the purchase request (col. 11, lines 23-32; col. 19, lines 1-21; and col. 20, lines 40-52), and determining cash balance in the player's account (col. 20, lines 42-45). Schneier obviously discloses updating individual account in order to continuously monitor the account's balance of the player anytime a transaction occurs.

b. As per claim 23, refer to discussion in claim 8 above. Further, since Schneier discloses that the HTV maintains multiple accounts of different players which can be accessed through password identification (col. 7, lines 13-16), and since Schneier discloses the capability of checking cash balance of an account of a specific player (col. 20, lines 42-45), Schneier obviously discloses using the password of the player as an identification to recognize the account of the player.

c. As per claim 24-25, Schneier et al. discloses the above-mentioned AGAM that consists of authentication data including biometric data such as fingerprints (col. 7, lines 48-67).

d. As per claim 26 and 28-29, refer to discussion in claim 23 above.

e. As per claim 27, 30, and 33-34, refer to discussion in claim 8 above.

***Allowable Subject Matter***

6. Claims 1-7, 22, 31-32, and 35-36 would be allowable if rewritten or amended to overcome the objections, set forth in this Office action.
7. Claims 10-21 would be allowable if rewritten or amended to overcome the objections, and the rejection under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

8. The following is a statement of reasons for the indication of allowable subject matter:

Prior arts of record do not disclose or fairly suggest a gaming method in which a server receives a purchase request for a wager from a player at a first client terminal before a game play begins, determines and stores in a database results of the wager before the game play begins, adjusts an account of the player based on the results of the wager before the game play begins, receives from a second client terminal during the game play a request to reveal the results of the wager, and sends the results of the wager to the second client terminal during the game play.

***Response to Arguments***

9. Applicant's arguments filed 11/19/04 have been fully considered but they are not persuasive.
  - a) In response to applicant's argument in page 21, last paragraph, since Schneier discloses that the HTV maintains multiple accounts of different players which can be accessed through password identification (col. 7, lines 13-16), and since Schneier discloses the capability of checking cash balance of an account of a specific player (col. 20, lines 42-45), Schneier

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obviously discloses using the password of the player as an identification to recognize the account of the player.

- b) Applicant's argument in page 22, second and third paragraphs, is persuasive. The rejection on claims 1-7, 10-22, 31-32, and 35-36 has been withdrawn.
- c) In response to applicant's argument in page 22, last paragraph, through page 23, first two paragraphs, refer to the explanation in section 9a) and 9b) above.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is 571-272-4441. The examiner can normally be reached on Monday-Thursday during business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on 571-272-7147. The central official fax number for the organization where this application or proceeding is assigned is 703-872-9306.

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Date: February 3, 2005



Kim Nguyen  
Primary Examiner  
Art Unit 3713